

IN RE: PETITION FOR VARIANCE  
E/S of Old Harford Road, 167' S  
of centerline of Throgmorton Road  
9<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District  
(2600-2631 Luiss Deane Drive)  
  
Glen Arm Homes, L.L.C.  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 99-461-A  
\*

\* \* \* \* \*

AMENDED ORDER

WHEREAS, this matter came before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Glen Arm Homes, L.L.C. The variance request was granted by Order dated the 7<sup>th</sup> day of October, 1999.

WHEREAS, after the issuance of my Order, a Motion for Reconsideration was filed by the Office of Planning, by and through Lynn Lanham, which was received in our office within the thirty (30) day requisite period for filing such a Motion for Reconsideration. In her request, Ms. Lanham has asked that an evergreen screening consisting of Leland Cyprus trees be provided for the Lot Nos. 2-10, 27 and 28. Ms. Lanham further indicated in her Motion for Reconsideration that she met with the developer of the property who has agreed to provide said additional landscaping. Therefore, based on the Motion for Reconsideration filed and the agreement of the developer in this matter, I shall amend my previous Order to require that such landscaping be provided on the lots previously identified.

THEREFORE, IT IS ORDERED this 22<sup>nd</sup> day of November, 1999, by this Deputy Zoning Commissioner, that the Motion for Reconsideration filed by the Office of Planning, by and through Lynn Lanham, be and is hereby GRANTED.

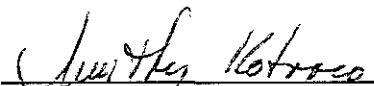
ORDER RECEIVED FOR FILING  
Date 11/22/99  
By J.R. Jameson



IT IS FURTHER ORDERED that the developer shall be required to provide a tight evergreen screen consisting of Leland Cyprus trees, or other such similar plantings for Lot Nos. 2-10, 27 and 28.

IT IS FURTHER ORDERED that all other terms and conditions of my previous decision dated the 7<sup>th</sup> day of October, 1999, shall remain in full force and effect.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days from the date of this Amended Order.

  
\_\_\_\_\_  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING  
Date 11/22/99  
By R. Jameson





Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

November 22, 1999

C. William Clark, Esquire  
502 Washington Avenue  
Towson, Maryland 21204

Re: Petition for Variance  
Case No. 99-461-A (Amended Order)  
Property: 2600-2631 Luiss Deane Drive

Dear Mr. Clark:

Enclosed please find an Amended Order rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



Copies to:

Mr. David T. Schulte, President  
Glen Arm Homes, L.L.C.  
12238 Long Green Pike  
Glen Arm, Maryland 21057

Mr. Thomas A. Church, P.E.  
Development Engineering Consultants, Inc.  
6603 York Road  
Baltimore, Maryland 21212

Ms. Joanne Finegan  
9025 Throgmorton Road  
Baltimore, Maryland 21234



IN RE: PETITION FOR VARIANCE  
E/S Old Harford Road, 167' S  
of centerline of Throgmorton Road  
9<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District  
(2600-2631 Luiss Deane Drive)

Glen Arm Homes, L.L.C.  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 99-461-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed for property located at 2600-2631 Luiss Deane Drive. The variance request was filed by Glen Arm Homes, L.L.C., by and through David Schulte its President. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- a) To allow a minimum rear yard setback of 26.9 ft. in lieu of the required 30 ft. setback on all lots with the exception of Lot #6.
- b) To allow a minimum building to building setback of 18 ft. in lieu of the required 20 ft. between buildings on Lot #4 and Lot #5 only.
- c) To allow a minimum garage to right-of-way setback of 21 ft. in lieu of the required 22 ft. on Lot #4 only.
- d) To allow a minimum rear yard setback of 23.9 ft. in lieu of the required 30 ft. setback on Lot #6 only.

Appearing at the hearing on behalf of the variance request were David Schulte and J. F. Levendusky on behalf of Glen Arm Homes, L.L.C., Tom Church, professional engineer, C. William Clark, attorney at law, representing the Petitioner. Appearing in opposition to the Petitioner's request was Joanne Finegan. Lynn Lanham also attended the hearing on behalf of the Office of Planning.

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Date

10/17/99

By

R. Jameson



Testimony and evidence indicated that the property which is the subject of this variance request consists of 5.45 acres, more or less, zoned D.R.5.5. The subject property is a rectangularly shaped parcel of land with limited frontage on Old Harford Road, situated on the south side of Old Harford Road near its intersection with Blessing Court. The subject property has been approved for the construction of 28 single family homes. The development plan of the subject property was approved by Hearing Officer Schmidt on December 21, 1995 (Case No. # IX-637). In addition, the Petitioner was granted a variance pursuant to Case No. 98-168-A, which enabled the Petitioner to construct a brick front on the houses to be built. The Petitioner now comes before me requesting approval for additional variances dealing mostly with the rear of the homes to be constructed on this property.

The Petitioner is requesting a variance for each and every lot within this subdivision to allow a rear yard setback of 26.9 ft. in lieu of the required 30 ft. The only exception to this request is for Lot #6. This particular variance request calls into question the interpretation of the Baltimore County Zoning Regulations (B.C.Z.R.) with respect to bay windows. As an amenity to the many homes to be built within this subdivision, the developer has constructed a bay window on the rear of each of these houses. The purpose of the bay window is to enhance the interior of the home itself and provide additional light. It also is a nice selling feature for these homes. The developer has chosen to install a bay window that extends from the floor to the ceiling of the room in which it is located. That is, the developer has not installed a window seat or ledge on the interior of this bay window. The absence of this window ledge or window seat on the interior of these bay windows causes the window itself to not be classified as a bay window. Rather, the Zoning Office considers such a design to be an offset to the rear foundation wall, thereby necessitating the requested variance. The simple installation of a window seat on the interior of these windows would obviate

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Date

10/17/99

By

R. J. Mason



the need for this variance. However, many of the residents do not wish to have a window seat installed, nor would it be possible for our zoning inspectors to verify that the developer did in fact install the window seat in each home. In addition, the exterior façade of the rear of the building would not change in any fashion. Therefore, considering this, I find it appropriate to grant the variance to allow the bay windows to be situated as they are constructed and not cause this homebuilder or the residents who already occupy their homes to have to install a window seat on the interior of their house. This would also save our zoning inspectors from having to come into the homes of the residents to insure that they perpetually maintain a window seat in their bay window. Therefore, the variance shall be granted.

The second variance requested by the developer involves the house situated on Lot #4. Not only does the house on Lot #4 have a bay window on the rear of the house, it also has a bay window on the side of the house. Because of the installation of a bay window on the side of the house on Lot #4 the setback between that house and the house to be built on Lot #5 has decreased by 2 ft. or the offset of the bay window itself. Therefore, the variance request is to allow those houses to be situated 18 ft. from one another in lieu of 20 ft. For the same reasons stated as to why the variance was granted for the bay windows on the rear of the home, I shall approve the bay window on the side of Lot #4 only. However, there shall be no other side bay windows constructed on any other home within this subdivision. Given that the house on Lot #4 is already constructed and occupied, it shall not be necessary for the developer to either install a window seat or eliminate the bay window in its entirety. Therefore, the variance for the house on Lot #4 shall be granted.

In addition to the relief requested for Lot #4 relative to the bay window, the Petitioner is also requesting relief to allow the garage to be situated 21 ft. in lieu of the required 22 ft. from the street right-of-way. The reason for this setback deficiency involved an error that was made when the

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Date

10/7/99

By

H. J. Jensen



house on Lot #4 was staked out by the surveyor. These stakeout errors are fairly rare, but they do occur. I have had several cases where this type of error has caused setback deficiencies. In this instance, I shall grant the variance relief to allow the house to be situated 1 ft. closer to Luiss Deane Drive than what would normally be permitted. This 1 ft. is fairly minor and should not be that obvious even when all the houses are constructed. Therefore, the variance request to allow the garage to be situated 21 ft. in lieu of the required 22 ft. for the house on Lot #4 shall be granted.

Similar to the request for the garage setback on Lot #4, there is also a setback violation for the house situated on Lot #6. Again, the house on Lot #6 has been completed. Due to a stakeout error the house was incorrectly sited on the property. The bay window for the house on Lot #6 is 23.9 ft. from the rear property line in lieu of the required 30 ft. Given that the house is already constructed, the variance request shall be granted. It would not be productive to cause the developer to have to tear down this house to only move it a couple of feet forward on Lot #6. Therefore, the variance shall be granted.

As stated previously, Ms. Joanne Finegan attended the hearing in opposition to the Petitioner's request. In addition, many letters of opposition were received by this office. The citizens in the surrounding community objected to any variances being granted that would allow the houses themselves to be any closer to rear property lines which are common boundary lines to those surrounding residents. With the exception of the houses on Lots #4 and 6, the variance request for the remaining lots are for the bay windows only and will not cause the house itself to be situated any closer to those surrounding residents. The bay windows are a minor intrusion into the setback requirement and are an attractive amenity to these houses. They provide some definition to the rear façade of these houses, in lieu of a flat wall design. I do not believe they are so intrusive as to

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Date 10/7/99

By R. Jameson



interfere with the quiet enjoyment of those neighbors' property. Therefore, these variances shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

ORDER RECEIVED FOR FILING

Date

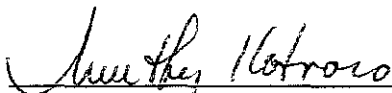
By

10/17/99  
R. J. J. J.



THEREFORE, IT IS ORDERED this 7<sup>th</sup> day of October, 1999, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow: (a) a minimum rear yard setback of 26.9 ft. in lieu of the required 30 ft. setback on all lots with the exception of Lot #6; (b) a minimum building to building setback of 18 ft. in lieu of the required 20 ft. between buildings on Lot #4 and Lot #5 only; (c) a minimum garage to right-of-way setback of 21 ft. in lieu of the required 22 ft. on Lot #4 only; and (d) a minimum rear yard setback of 23.9 ft. in lieu of the required 30 ft. setback on Lot #6 only, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. That the developer shall be prohibited from installing any additional bay windows on the sides of any of the houses constructed in this subdivision with the exception of the house on Lot #4 where a side bay window already exists.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date

10/7/99

By

R. J. JAMESON





Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

October <sup>7</sup>~~8~~, 1999

C. William Clark, Esquire  
502 Washington Avenue  
Towson, Maryland 21204

Re: Petition for Variance  
Case No. 99-461-A  
Property: 2600-2631 Luiss Deane Drive

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco", is written over a horizontal line.

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



Copies to:

Mr. David T. Schulte, President  
Glen Arm Homes, L.L.C.  
12238 Long Green Pike  
Glen Arm, Maryland 21057

Mr. Thomas A. Church, P.E.  
Development Engineering Consultants, Inc.  
6603 York Road  
Baltimore, Maryland 21212

Ms. Joanne Finegan  
9025 Throgmorton Road  
Baltimore, Maryland 21234





# Petition for Variance

AND TO AMEND FINAL DEVELOPMENT PLAN OF PINE GROVE  
to the Zoning Commissioner of Baltimore County

for the property located at #2600 THROUGH #2631 LUISS DEANE DR.  
which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B01.2.C.1.b

6

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

(SEE ATTACHED)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

N/A

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

GLEN ARM HOMES, L.L.C.

(Type or Print Name)

David T. Schulte

Signature

DAVID T. SCHULTE, PRESIDENT

(Type or Print Name)

Signature

12238 LONG GREEN PKE 410-592-5734

Address

Phone No

GLEN ARM, MD, 21057

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

THOMAS A. CHURCH, P.E.

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Name 6603 YORK ROAD

BALTIMORE, MD 21212 410/377-2600

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: [Signature] DATE 5-18-99

461

ORIGINAL RECEIVED FOR FILING

Date

10/7/99

BY

[Signature]



99.461.A





PETITION FOR VARIANCE

TO THE ZONING COMMISSION OF BALTIMORE COUNTY  
FOR THE PROPERTY LOCATED  
AT #2600 THROUGH #2631 LUISS DEANE DRIVE

- A. TO ALLOW A MINIMUM REAR YARD SETBACK OF 26.9 FEET IN LIEU OF THE REQUIRED 30 FEET SETBACK ON ALL LOTS WITH THE EXCEPTION OF LOT #6.
- B. TO ALLOW A MINIMUM BUILDING TO BUILDING SETBACK OF 18 FEET IN LIEU OF THE REQUIRED 20 FEET BETWEEN BUILDINGS ON LOT 4 AND LOT 5 ONLY.
- C. TO ALLOW A MINIMUM GARAGE TO RIGHT-OF-WAY SETBACK OF 21 FEET IN LIEU OF THE REQUIRED 22 FEET ON LOT #4 ONLY.
- D. TO ALLOW A MINIMUM REAR YARD SETBACK OF 23.9 FEET IN LIEU OF THE REQUIRED 30 FEET SETBACK ON LOT #6 ONLY.

THESE VARIANCES ARE BEING REQUESTED TO ALLOW A STANDARD HOUSE TO FIT ON LOTS.

901



ZONING DESCRIPTION

FOR

PINE GROVE

Beginning at a point on the east side of Old Harford Road which is 60 feet wide at the distance of 167 feet south of the centerline of the nearest improved intersecting street, Throgmorton Road which is 50 feet wide.

Being Lot Numbers 1 through 28 in the subdivision of Pine Grove as recorded in Baltimore County Plat Book S.M. 68, Folio 124. Containing 3.34 acres of land, more or less (total area of lots).

Also known as #2600 through #2631 Luiss Deane Drive and located in the 9th Election District, 6th Councilmanic District.

98-110

04/26/99

461

99-461-A



BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 067397

DATE \_\_\_\_\_ ACCOUNT \_\_\_\_\_

AMOUNT \$ 650.00

RECEIVED FROM: \_\_\_\_\_

FOR: \_\_\_\_\_

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

99-461-A

CASHIER'S VALIDATION

PAID RECEIPT

PROBES OCT 1999  
5/18/1999 5/18/1999 11:42:50  
RECEIPT # 5 620 ZONING VERIFICATION  
CASHIER PAF'S PEA DRAMER  
085795  
Receipt Tot. 650.00  
650.00 OK  
Baltimore County, Maryland



**NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-461-A

2600-2631 Luis Deane Drive

E/S Old Harford Road, 167' S of centerline Throgmorton Rd

9th Election District - 6th Councilmanic District

Legal Owner(s): Glen Arm Homes, LLC

**Variance:** to allow a minimum rear yard setback of 26.9 feet in lieu of the required 30 feet; to allow a minimum building to building setback of 18 feet in lieu of the required 20 feet; to allow a minimum garage to right-of-way setback of 21 feet in lieu of the required 22 feet; and to allow a minimum rear yard setback of 23.9 feet in lieu of the required 30 feet.

**Hearing:** Wednesday, July 14, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

6/3/99 June 24

C321399

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 6/24/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/24/, 1999

**THE JEFFERSONIAN,**

*S. Wilkinson*

LEGAL ADVERTISING



**CERTIFICATE OF POSTING**

RE: CASE # 99-461-A  
PETITIONER/DEVELOPER:  
(Glen Arm Homes LLC)  
DATE OF Hearing  
(July 14, 1999)

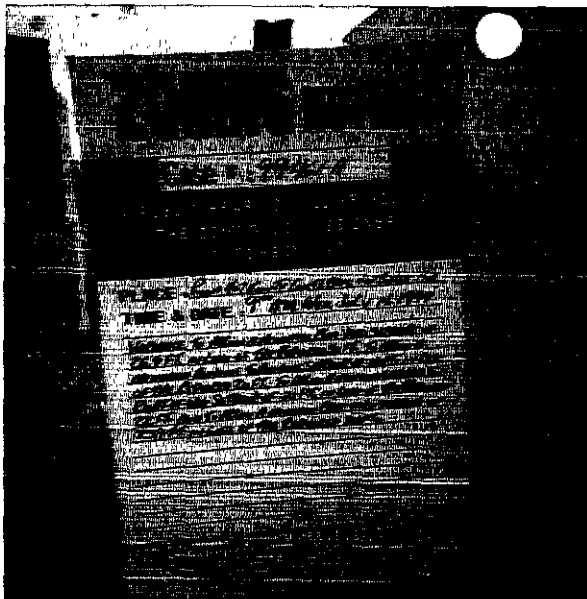
Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Ave.  
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property located at  
2600-2631 Luiss Deane Drive Baltimore , Maryland 21234\_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ 6-28-99 \_\_\_\_\_  
Month, Day, Year }



Sincerely,

*Thomas P. Ogle, Sr.*  
[Signature of Sign Poster & Date]

\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_

\_\_\_\_ 325 Nicholson Road \_\_\_\_\_

\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_

\_\_\_\_ (410)-687-8405 \_\_\_\_\_  
[Telephone Number]



**CERTIFICATE OF POSTING**

RE: CASE # 99-461-A  
PETITIONER/DEVELOPER:  
[Glen Arm Homes LLC]  
DATE OF Hearing  
[Aug. 16, 1999]

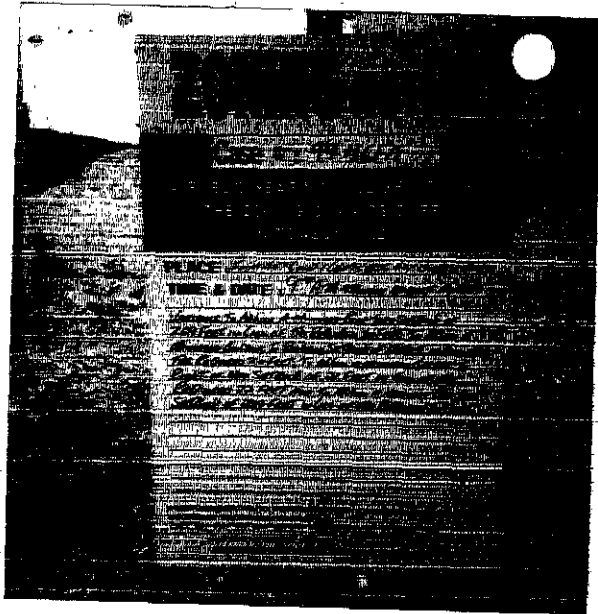
Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Ave.  
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property located at  
2600-2631 Luiss Deane Drive Baltimore, Maryland 21234\_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ 7-27-99 \_\_\_\_\_  
[Month, Day, Year]



Sincerely,

  
[Signature of Sign Poster & Date]

\_\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_

\_\_\_\_\_ 325 Nicholson Road \_\_\_\_\_

\_\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_

\_\_\_\_\_ [410] 687-8405 \_\_\_\_\_  
[Telephone Number]



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 461

Petitioner: GLEN ARM HOMES, L.L.C.

Location: #2600 THROUGH B2631 LUISS DEANE DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DEVELOPMENT ENGINEERING CONSULTS. INC.

ADDRESS: 6603 YORK ROAD

BALTIMORE, MARYLAND 21212

PHONE NUMBER: 410-377-2600

AJ:ggs

(Revised 04/09/93)

99-461-A





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

June 11, 1999

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-461-A  
2600-2631 Luis Deane Drive  
E/S Old Harford Road, 167' S of centerline Throgmorton Road  
9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Glen Arm Homes, LLC

Variance to allow a minimum rear yard setback of 26.9 feet in lieu of the required 30 feet; to allow a minimum building to building setback of 18 feet in lieu of the required 20 feet; to allow a minimum garage to right-of-way setback of 21 feet in lieu of the required 22 feet; and to allow a minimum rear yard setback of 23.9 feet in lieu of the required 30 feet.

HEARING: Wednesday, July 14, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a date "6/11/99" written below it.

Arnold Jablon  
Director

c: Glen Arm Homes, LLC  
Development Engineering Consultants, Inc.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 29, 1999.**  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper



TO: PATUXENT PUBLISHING COMPANY  
June 24, 1999 Issue – Jeffersonian

Please forward billing to:

Development Engineering Consultants, Inc.  
6603 York Road  
Baltimore, MD 21212

410-377-2600

---

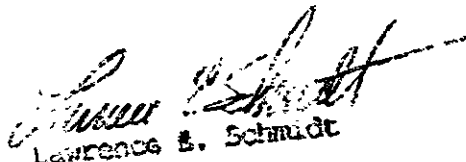
## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-461-A  
2600-2631 Luis Deane Drive  
E/S Old Harford Road, 167' S of centerline Throgmorton Road  
9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Glen Arm Homes, LLC

Variance to allow a minimum rear yard setback of 26.9 feet in lieu of the required 30 feet; to allow a minimum building to building setback of 18 feet in lieu of the required 20 feet; to allow a minimum garage to right-of-way setback of 21 feet in lieu of the required 22 feet; and to allow a minimum rear yard setback of 23.9 feet in lieu of the required 30 feet.

HEARING: Wednesday, July 14, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt  
SU

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

July 2, 1999

Thomas A. Church, P.E.  
Development Engineering Consultants, Inc.  
6603 York Road  
Baltimore, MD 21212

Dear Sirs:

RE: Case No.: 99-461-A, Petitioner: Glen Arm Homes, LLC,  
Location: 2600 through 2631 Luiss Deane Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 18, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



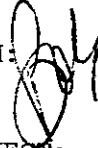


B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:        Arnold Jablon, Director  
            Department of Permits & Development  
            Management

Date:   June 16, 1999

FROM:  Robert W. Bowling, Supervisor  
            Bureau of Development Plans Review

SUBJECT:   Zoning Advisory Committee Meeting  
            for June 14, 1999  
            Item Nos. 456, 459, 460, 461, 462,  
            464, 466, 467, 468, 469, 471, 472,  
            474, 475, 476, 477, 482, 483, 484,  
            & 485

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc:   File

ZAC06149.NOC

RECEIVED JUN 21 1999





Baltimore County  
Fire Department

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

June 16, 1999

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 7, 1999

Item No.: See Below                      Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

456, 457, 458, 459, 460, 461, 462, 464, 465, 466, 467,  
468, 469, 470, 471, 472, 474, 475, 476, 477, 478, 479,  
480, 483, 484, AND 485

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

RECEIVED JUN 21 1999





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy Kotrocco  
Deputy Zoning Commissioner

FROM: Arnold F. "Pat" Keller, III, Director  
Office of Planning

VIA: Lynn Lanham

SUBJECT: Motion for Reconsideration  
Pine Grove Woods

INFORMATION

Item Number: 99-461-A

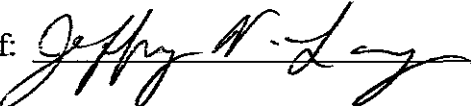
Petitioner: Glen Arm Homes, L.L.C.

Zoning: DR 5.5

Please reconsider your order dated October 7, 1999. As was requested by the Office of Planning and agreed to by the developer at the hearing and via the attached letter, additional landscaping should be provided to mitigate the requested variances. Privacy would be most severely impacted by the granting of the variances for the following lots: lots: 2 through 10, 27 and 28. Additional landscaping to provide a tight evergreen screen, such as Leyland Cypress, should be provided along the rear property lines of those lots.

In addition please note that we have received a variance request from the property owner of lot 6 for an open projection for a rear setback of 16 feet in lieu of the required 22.5 feet.

Prepared by: \_\_\_\_\_

Division Chief: \_\_\_\_\_

AFK/JL  
Attachments



Jim  
7/14

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** July 1, 1999

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** 2600-2631 Luiss Deane Drive

### INFORMATION:

**Item Number:** 461

**Petitioner:** Glen Arm Homes, LLC

**Zoning:** DR 5.5

**Requested Action:** Variance

### SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, the Office of Planning provides the following comment:

The subject variance request represents a classic example of why minimum setbacks do not accommodate many standard housing models in the moderate price range. This project was granted a reduced right-of-way and sidewalks within an easement in the front yard area. In addition, a variance was granted to allow a course of brick to be applied to the dwellings. While it seems reasonable to expect that the above-mentioned relief would have accommodated most development scenarios, nine of the ten houses built to date require additional variances. Foundations are in place for 14 additional dwellings, and variances are being requested on these lots as well.

This applicant was well aware of the limitations of this site and chose to build to market demand ignoring setback requirements and development plan details. This should not be rewarded.



The Office of Planning does not support the granting of blanket variances for this subdivision. Only those properties that are sold or under contract should be granted relief to avoid penalizing the current lot owners.

The loss of the privacy of the adjacent property owners should be assessed and remedied. The rear yard dimension does not allow for effective screen planting. The developer should be required to install a privacy fence along the rear property boundary of all lots with less than a 30' rear setback. Since some fences exist on adjoining properties, coordination with adjacent neighbors is necessary.

The issue of decks has not arisen, but this matter should also be addressed as part of any consideration of this matter. A variance will be required for decks greater than 25% of the rear yard setback. The required 30' setback would allow a deck only 7.5 feet in width by right. Prospective buyers and homeowners should be made aware of the specific limitations for their lot. The Office of Planning would not support further encroachment in the direction of the adjacent properties.

If the variance is granted for lot 6, no deck should be allowed on that lot since the foundation protrudes outside the building envelope.

Also, on lots 1 and 28, no decks should be permitted.

Section Chief: Jeffrey W. Long

AFK/JL





**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor  
John D. Porcari  
Secretary  
Parker F. Williams  
Administrator

Date: 6.4.99

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 461 JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



RE: PETITION FOR VARIANCE  
2600-2631 Luiss Deane Drive, E/S Old Harford Rd,  
167' S of c/I Throgmorton Rd  
9th Election District, 6th Councilmanic

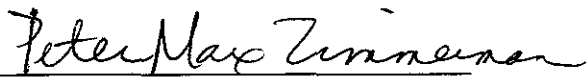
Legal Owner: Glen Arm Homes, LLC  
Petitioner(s)


\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 99-461-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of June, 1999 a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, representative for Petitioners.

  
PETER MAX ZIMMERMAN





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

July 19, 1999

Joanne M. Finegan, Esquire  
Law Offices of R. Roland Brockmeyer, P.A.  
The Chimney Corner Building  
532 St. Paul Street  
Baltimore, MD 21202-2286

Dear Ms. Finegan:

RE: Case Number 99-461-A, 2600-2631 Luiss Deane Drive

The above matter, previously assigned to be heard on July 14, 1999 has been **rescheduled for Monday, August 16, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a small "51" written below it.

Arnold Jablon  
Director

AJ:scj

C: Glen Arm Homes, LLC  
Development Engineering Consultants, Inc.  
Sally Fiske  
Rick Bennett

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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Law Offices  
of

R. Roland Brockmeyer, P.A.  
A Professional Association

R. Roland Brockmeyer  
Thomas P. Ross, Jr. \*  
Janice L. Cole †

Patricia Williams  
Office Manager

\* Admitted to D.C. Bar, Pennsylvania Bar

† Admitted to D.C. Bar

7/14/99  
To work  
see me

The Chimney Corner Building  
532 St. Paul Street  
Baltimore, Maryland 21202-2286  
(410) 685-1190  
Fax (410) 528-0212

DATE: 7-12-99  
TO: Arnold Jablon  
Fax No.: 410 887 5708  
RE: 99 461 A hearing 7-14-99  
CLAIM NO.:  
ENCLOSURES: 2 pages including this one  
Request for postponement

99-1838



Law Offices  
of  
**R. Roland Brockmeyer, P.A.**  
A Professional Association

R. Roland Brockmeyer  
Thomas P. Ross, Jr. \*  
Joanne M. Finegan+

Patricia Williams  
Office Manager

\* Admitted to D.C. Bar, Pennsylvania Bar  
+ Admitted to PA Bar

The Chimney Corner Building  
532 St. Paul Street  
Baltimore, Maryland 21202-2286  
(410) 685-1190  
Fax (410) 528-0212

July 12, 1999

Arnold Jablon, Esq.  
PERMITS AND DEVELOPMENT MANAGEMENT  
111 W. Chesapeake Avenue Room 111  
Towson, Maryland 21204  
VIA FACSIMILE 410 887-5708

**Re : Application 99-461-A**  
**Glen Arm Homes**  
**Hearing Date July 12, 1999 9:00am**

Dear Mr. Jablon :

Please postpone the above referenced hearing and require the petitioner to notify adjacent property owners of the proceedings.

The notice posted on the subject property is almost totally obscured by sales signs. Once I noticed the sign on July 8th I contacted several adjacent property owners, none of whom was aware of the hearing.

The proposed zoning variance seeks further reductions of rear yard and building to building setbacks in addition to the substantial variances which the builder has already received. These proposed changes are of vital interest to the property owners whose back yards abut the Glen Arm development, as well as others in the neighborhood. The rear yards of the Glen Arm homes are already so abbreviated that the homeowners cannot build decks without a zoning variance!

Property owners in the community will be irreparably damaged if their interests are not represented at this hearing, and due process demands that they be given adequate and meaningful notice of the further attempts by the Glen Arm builders to avoid the zoning requirements that apply to the property.

Your attention to this matter is greatly appreciated and I would appreciate a response to my request for postponement as soon as possible.

Very truly yours,

  
Joanne M. Finegan

99-1838



Law Offices  
of  
R. Roland Brockmeyer, P.A.  
A Professional Association

8/3/99  
cf  
wcl  
File

R. Roland Brockmeyer  
Thomas P. Ross, Jr. \*  
Joanne M. Finegan+

The Chimney Corner Building  
532 St. Paul Street  
Baltimore, Maryland 21202-2286  
(410) 685-1190  
Fax (410) 528-0212

Patricia Williams  
Office Manager  
\* Admitted to D.C. Bar, Pennsylvania Bar  
+ Admitted to PA Bar

August 2, 1999

Arnold Jablon, Director  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

**Re : 99-461-A, 2600-2631 Luiss Deane Drive**

Dear Mr. Jablon :

Please correct your records in the above referenced zoning matter to show that I withdrew my postponement request of July 12th at the hearing on July 14, 1999. Attorney C. William Clark appeared on behalf of the Petitioners and requested a postponement on their behalf, which was granted by the Deputy Zoning Commissioner.

The Petitioners, and not I, are responsible for posting a corrected hearing notice sign on the property.

Your attention to this matter is greatly appreciated.

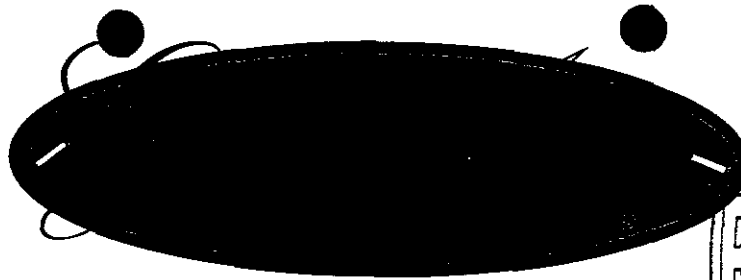
Very truly yours,

  
Joanne M. Finegan

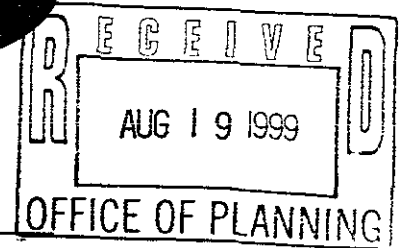
cc : C. William Clark, Esq.

99-2048





12238 Long Green Pike  
Glen Arm, MD. 21057



(410) 592-5689 Tel - (410) 592-3600 Fax

August 17, 1999

Ms. Lynn Lanham, RLA  
Development Review Coordinator  
Baltimore County  
County Courts Building, Suite 406  
401 Bosley Ave  
Towson, MD 21204

Dear Ms. Lanham:

It was nice to meet you yesterday after the hearing.

As a follow up to our conversation, we would appreciate meeting with you at the Pine Grove site so we may have proper direction in completing the project with regards to fencing and plantings.

You may reach me at 410-592-3600, Tuesdays, Wednesdays or Thursdays to arrange for an appointment.

Sincerely,

J.F. LEVENDUSKY  
Glen Arm Homes



7-27-99

TC from Joanne Finegan, Esquire, regarding postponement letter. She spoke with me and then Carl. She stated that she did not request a postponement. When told that the only letter in the file requesting a postponement was from her, she stated that she withdrew her postponement at the hearing and someone else had requested the hearing be postponed. She was told that there was nothing to indicate this. She said it happened at the hearing and it should be noted in the file. We told her again, that the only thing in the file regarding a postponement was her letter. She told Carl that she was going to send us a letter withdrawing her postponement. Carl told her that we would check with the hearing officer as there were no other papers in the file regarding a postponement.

Tried to call Tim - he's on vacation. He'll call when he gets back.

Sophia

99-461-A



Seph - Fite

Fax

-To: Mr. W. Carl Richards, Jr.

-From: Ann Bennett  
2622 Matthews Dr.  
Balt. Md. 21234  
410-665-5299

'Re: Zoning Hearing Case # 99-461-A

(5 - Number of Pages Including Cover



2622 Matthews Drive  
Baltimore, MD 21234  
July 10, 1999

The Honorable Joseph Bartenfelder  
Baltimore County Councilmember  
6th District  
7856 Belair Road  
Baltimore, MD 21236

Dear Mr. Bartenfelder:

We are writing in reference to the Zoning Hearing Case #99-461-A which is scheduled to be held on Wednesday, July 14, 1999, at 9 a.m. at the Towson Courthouse (please see attached description from the Baltimore County website). At this time the developer for the Pine Grove Development on Luiss Deane Drive off of Old Harford Road is asking that the agreed-upon backyard setback of 30 feet be reduced to 26.9 and 23.9 feet as needed and that the space between houses be reduced from 20 feet to 18 feet.

We would like to begin by saying that we are pleased with the appearance and quality of the houses which have been constructed on Luiss Deane Drive; however, we are very concerned about the request to eliminate land between the new houses and our backyards. We and other members of our community who reside on Matthews Drive and whose houses back up to the Pine Grove Development strongly object to any changes to the existing setbacks which are already small enough. To take more land from these backyard setbacks consequently reduces the space between our backyards and the adjacent houses. Even within the current minimum setback of 30 feet the new houses are practically in our backyards. It is unconscionable that the appearance of our properties should be made to suffer more because of a mistake in the design of the development. In addition, to decrease the space between houses in order to squeeze more and bigger houses into an already small parcel of land will serve to cut off air currents and breezes which brought us to this area in the first place.

It is time to take a stand against the developers who move into the older neighborhoods and erect houses which are not in keeping with the surrounding community. We already have lost our woods and have for the past two years been subjected to the dust, dirt and trash which resulted from the removal of the beautiful pine grove.



The Honorable Joseph Bartenfeller  
 July 10, 1999  
 Page Two

We believe that our properties have suffered enough. Please do not allow this developer to add insult to injury by approving their request for variances. We along Matthews Drive and Robin Ridge are not wealthy and cannot afford to engage a lawyer to represent our concerns. We are dependent upon the wisdom and compassion of our legislators. We take great pride in the appearance of our neighborhoods and have cherished the space afforded to us with our backyards.

We appeal to you and the zoning officers to consider those of us who are already here and have kept this area an attractive, pleasant place in which to live. Please don't let us be the ones to suffer for the developer's mistake. We have already had to endure enough.

One final request: The storm management pond at the foot of the hill on Luiss Deane Drive is an eyesore and breeding ground for mosquitoes and other insects which have invaded our area. It has become almost impossible to enjoy our backyards in the evening due to these ravenous insects. Can the developer be encouraged to rectify this situation in a timely manner?

I hope that you can appreciate our frustration and go to bat for us. Thank you for your attention to our concerns.

Sincerely,

Joseph E. Bauer  
 2635 Matthews Dr.  
 410-665-8011

Wendy P. Brown  
 2838 Matthews Dr.  
 410-668-7580

Melissa Stroup  
 2640 Matthews Dr.  
 Baltimore 21234  
 (410)668-5567

Ann + Rick Bennett  
 2622 Matthews Dr.  
 410-665-5299  
 Florence Grace Center  
 2620 Matthews Dr.  
 410-661-2324  
 Helen A. Bauer  
 2635 Matthews Dr.  
 410-665-8011



The Honorable Joseph Bartenfelder  
July 10, 1999  
Page Three

Patrick T. Randolph	Patrick McDonough
2632 Matthews Dr.	2625 Matthews Dr.
BALTO MD. 21234	Balto Md. 21234
410-882-7150	410-665-0820
Helen Lamarr	John S. Hall
2633 Matthews Dr.	2624 Matthews Dr.
Balto MD 21234	410-668-3699
410-668-4495	Esther J. Hall
Kenneth Chasen	2624 Matthews Dr.
2631 MATTHEWS DR.	(410) 668-3699
BALTO, MD 21234	Alban Tivris
410-668-5993	2618 Matthews Dr.
Richard A. Long	Balto, MD 21234
2628 Matthews Dr.	410-663-2493
Balto Md 21234	Ann Hallamyer
410-668-4982	2616 Matthews Dr.
Shyllie M. Long	410-665-0885
2628 Matthews Dr.	Steve Thompson
410-668-9982	2614 Matthews Dr.
Jelly Aske	410-882-3849
2626 Matthews Dr.	
410-665-5221	

cc: Mr. W. Carl Richards, Jr., Chief, Zoning Review Department,  
County Office Building, 111 West Chesapeake Avenue, Towson, MD  
21204



## MEMO

TO: Mr. Timothy Kotroco, Deputy Zoning Commissioner  
FROM: Ann and Rick Bennett, 2622 Matthews Dr. (410-665-5299)  
DATE: August 12, 1999

We just wanted to let you know that we will be unable to attend the zoning meeting for Case Number 99-461-A, 2600-2631 Luiss Deane Drive which is scheduled for August 16, 1999. We have work and family obligations which are impossible for us to delay. We are, therefore, putting our appeal in writing and we are requesting that it be read and considered during the hearing.

Please note the letter of petition dated 7/10/99 which you have on file from members of the Matthews Drive Community. In addition we would like to know why the Development Consultants bother to request Variances in the first place. It is our belief that the variances which are being requested at this zoning meeting have already been approved and implemented. The request that the rear yard for all lots, except Lot 6, be reduced from the previously agreed upon 30 ft. to 26.9 ft. may be a "done deal" since 16 of the projected 28 houses (being built on 5.5 acres of land) have already been built or have had their foundations poured. Homeowners have already moved into about half the houses which have been completed. Are we to believe that if the variances are not approved at this zoning meeting that homeowners will be asked to move out and that the already completed houses will be moved so the 30 ft. limit can be enforced?

We are not trying to be difficult but we just see the neighborhood that we love being taken over by developers who do not seem to care whether they plop an oversized house into our and our neighbors' backyards so that they can cover up their miscalculations. We are already trying (unsuccessfully) to fight the blight that is creeping along the Joppa Road Corridor.

Ours is a proud old community where we live in our backyards the size and privacy of which was a huge selling point for many of us. Obviously the people who are moving into the new houses on Luiss Deanne Dr. do not value a large lot as those of us on Matthews Drive do.

We are asking, therefore, that you please consider that which has been presented in the petition and this letter and make an on-site visit before making a decision. We hope, then, that you will vote to deny the request for these variances. Please don't let the developers diminish our properties' appearance in order to rectify their mistake in planning.

Sincerely,

Ann Bennett



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

99-461A

ADDRESS

Joane Finegan

9025 Throgmorton Rd 21234





PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

C. William Clark  
Tom Church (DEC)  
David Schulte  
J.F. LEVENDUSKY

502 WASHINGTON AVE 21204  
6603 York Rd. 21012  
11413 North Cliff Rd. 21057  
13702 HACCUM RD.

LYNN LANHAM

Office of Planning 73480





PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Joanne Finigan

Sally Fiske

Rick Bennett

9025 Throgmorton Road 21234

2626 Matthews Dr. 21234

2622 Matthews Dr. 21234





IN RE: PETITION FOR VARIANCE  
E/S Old Harford Road, 64' SE  
of the c/l of Blessing Court  
(Pine Grove Subdivision)  
9th Election District  
6th Councilmanic District  
  
Glen Arm L.L.C.  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 98-168-A  
\*

*PetEx #2*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Glen Arm L.L.C., by Anthony F. Rossi, Partner. The Petitioner seeks relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building face to street centerline setback of 24 feet in lieu of the required 25 feet for the 24 of the 28 proposed dwellings. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Anthony F. Rossi and David T. Schulte, partners in the Glen Arm Limited Liability Company partnership, and J. F. Levendusky, a consultant engaged by the Petitioner. Appearing as a Protestant in the matter was Joanne Finegan, a nearby resident.

Testimony and evidence offered revealed that the subject property consists of a gross area of 5.45 acres, more or less, zoned D.R. 5.5. The property is a rectangularly shaped parcel with relatively narrow frontage on Old Harford Road; however, it contains significant depth. The site was approved for subdivision into 28 single family building lots, pursuant to a development plan hearing (Case No. IX-637), on December 21, 1995. These

12/10/99  
Date: *[Signature]*  
By: *[Signature]*



lots will be served by a new road, to be known as Luisse Deane Drive. The plan also provides for a storm water management area, as well as areas for forest conservation.

Apparently, Mr. Rossi and Mr. Schulte are builders and acquired the site from the original Developer. Under the approved development plan, the proposed building envelopes provide for a 25-foot front yard setback which is required by the zoning regulations. However, the Petitioners propose to construct dwellings which will feature brick fronts. Due to the 4-inch width of the brick, an actual distance of 24 feet, 8 inches will be maintained from the front of each dwelling to the street right-of-way. Thus, variance relief is required in order to proceed as proposed. It is to be noted that variances are necessary for 24 of the 28 lots. Owing to their unusual features, Lots 11, 12, 14, and 15 do not need a variance.

Mr. Rossi testified that the proposed brick fronts will make the houses more attractive and more marketable. He believes that the granting of the variance will allow for a better housing project which will be more beneficial to and compatible with the surrounding neighborhood. He also indicated that this property has a unique characteristic, given its narrow width and substantial depth. He also believes that the proposed development is compatible with the Robin Ridge development located immediately adjacent to the subject site, which contains both single family and town-house dwelling units.

Ms. Finegan testified in opposition to the relief requested. With all due respect to her comments, they were, by and large, irrelevant to the issue presented. She apparently is opposed to this development and offered a number of reasons in support of her position. Unfortunately for her, the case before me at this time does not relate to potential develop-



ment of this site per se, for the Petitioner's predecessor in title has already obtained approval to develop the property. The development plan which was approved is in compliance with all County regulations, standards, and requirements. Thus, the question now is not whether this property should be developed. That question was answered, in the affirmative, by the prior development plan approval in December, 1995. The issue before me is whether variance relief should be granted to permit brick fronts on those houses to be built. Ms. Finegan offered no compelling reasons in opposition to the variance requested herein.

A Zoning Plans Advisory Committee (ZAC) comment relative to this Petition was submitted by the Office of Planning. That comment indicates that the Planning staff supports the request, provided that the sides of the homes which will be adjacent to Old Harford Road, specifically Lots 1 and 28, are finished with brick sides. In this regard, Mr. Rossi indicated that the houses on those two lots would be oriented towards the proposed Luisse Deane Drive; however, the sides facing Old Harford Road will be improved with brick wrap-around porches. In my view, this brick treatment to the sides of those dwellings satisfies the comment from the Office of Planning. The other ZAC comments did not oppose, nor endorse the project.

Based upon the testimony and evidence offered, I am persuaded to grant the Petition for Variance. It is again to be emphasized that the issue before me is not whether the site should be developed, whether the zoning of the property and density associated therewith are appropriate, etc. The only issue for my consideration at this time is whether variance relief should be granted to permit brick fronts on the proposed units. Such an improvement to each unit would be, in my judgment, beneficial to this community and adjacent property owners. Moreover, I concur with Mr.

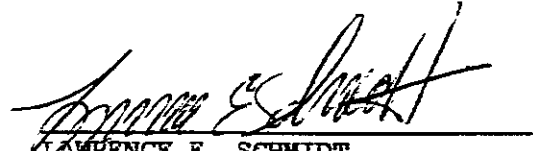


Rossi's testimony that the property is unique by way of its configuration and shape. I believe that the Petitioner satisfies the requirements set forth in Section 307 of the B.C.Z.R. and that variance relief should be granted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of December, 1997 that the Petition for Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building face to street center-line setback of 24 feet in lieu of the required 25 feet for 24 of the 28 proposed dwellings, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed houses on Lots 1 and 28 will not only have brick fronts, but the sides facing Old Harford Road will be improved with brick wrap-around porches.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
For Baltimore County

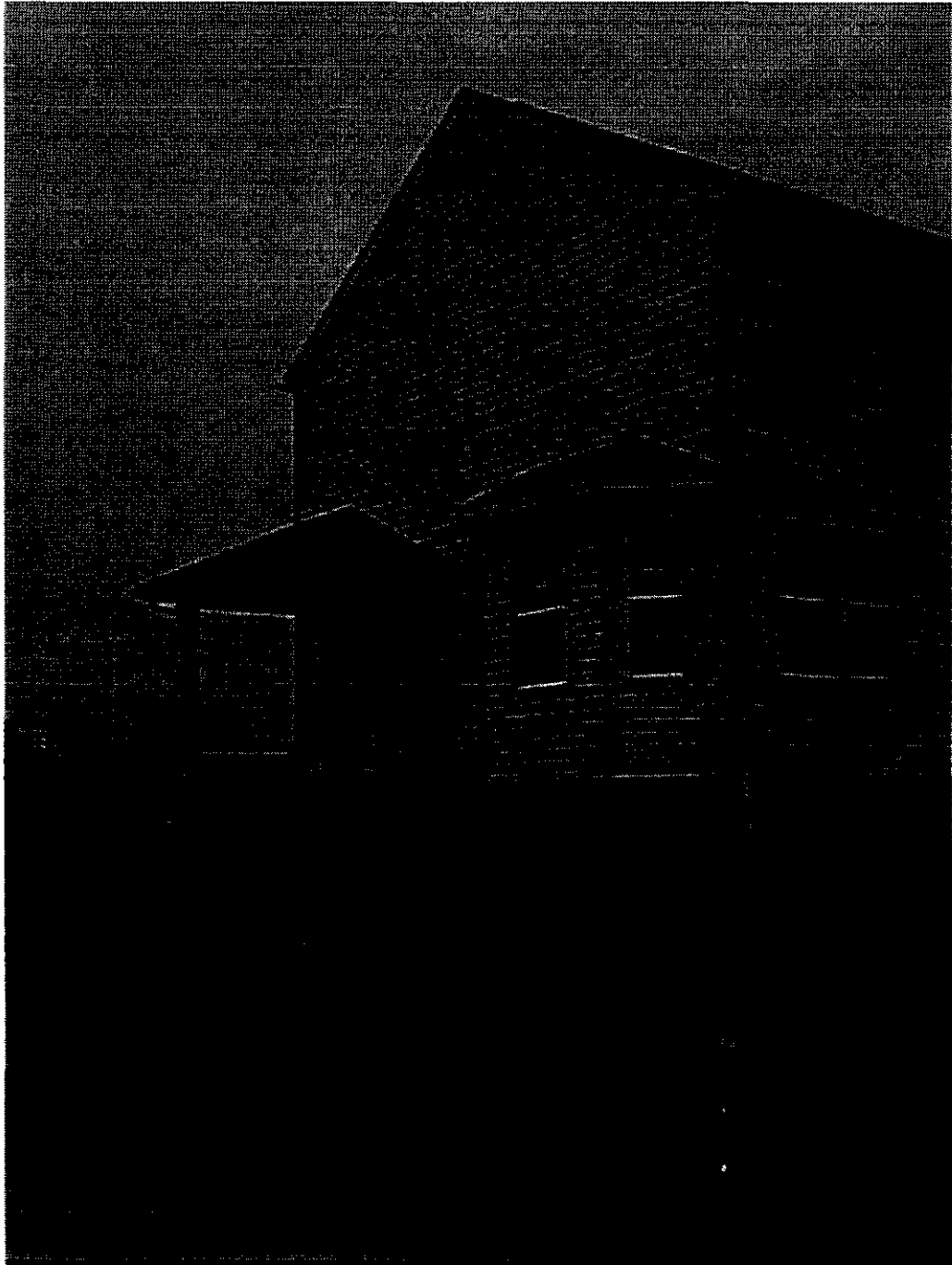
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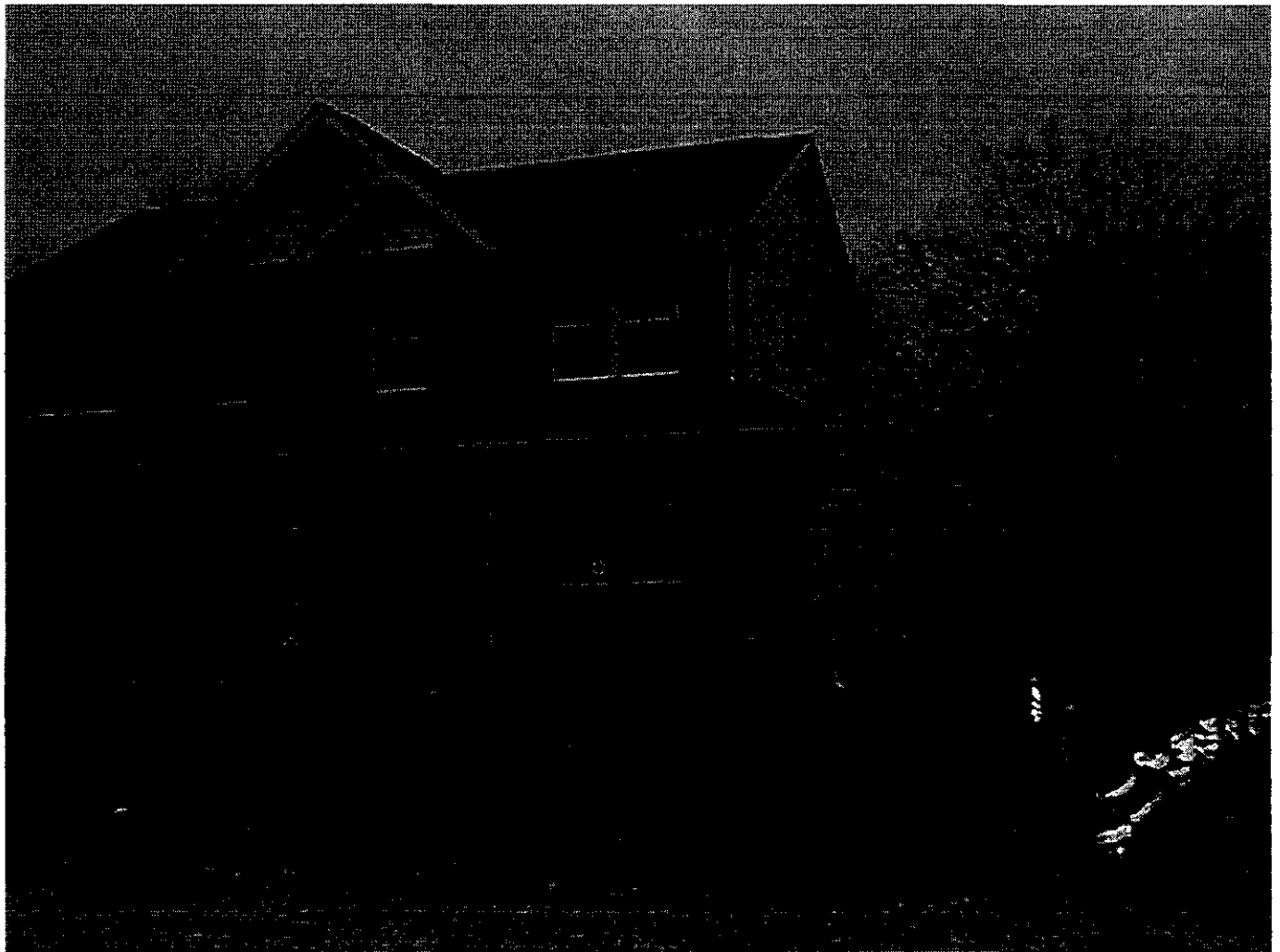
# Planning Exhibit



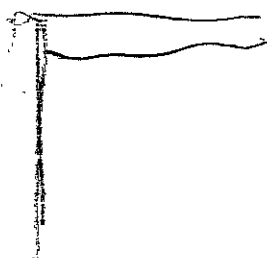
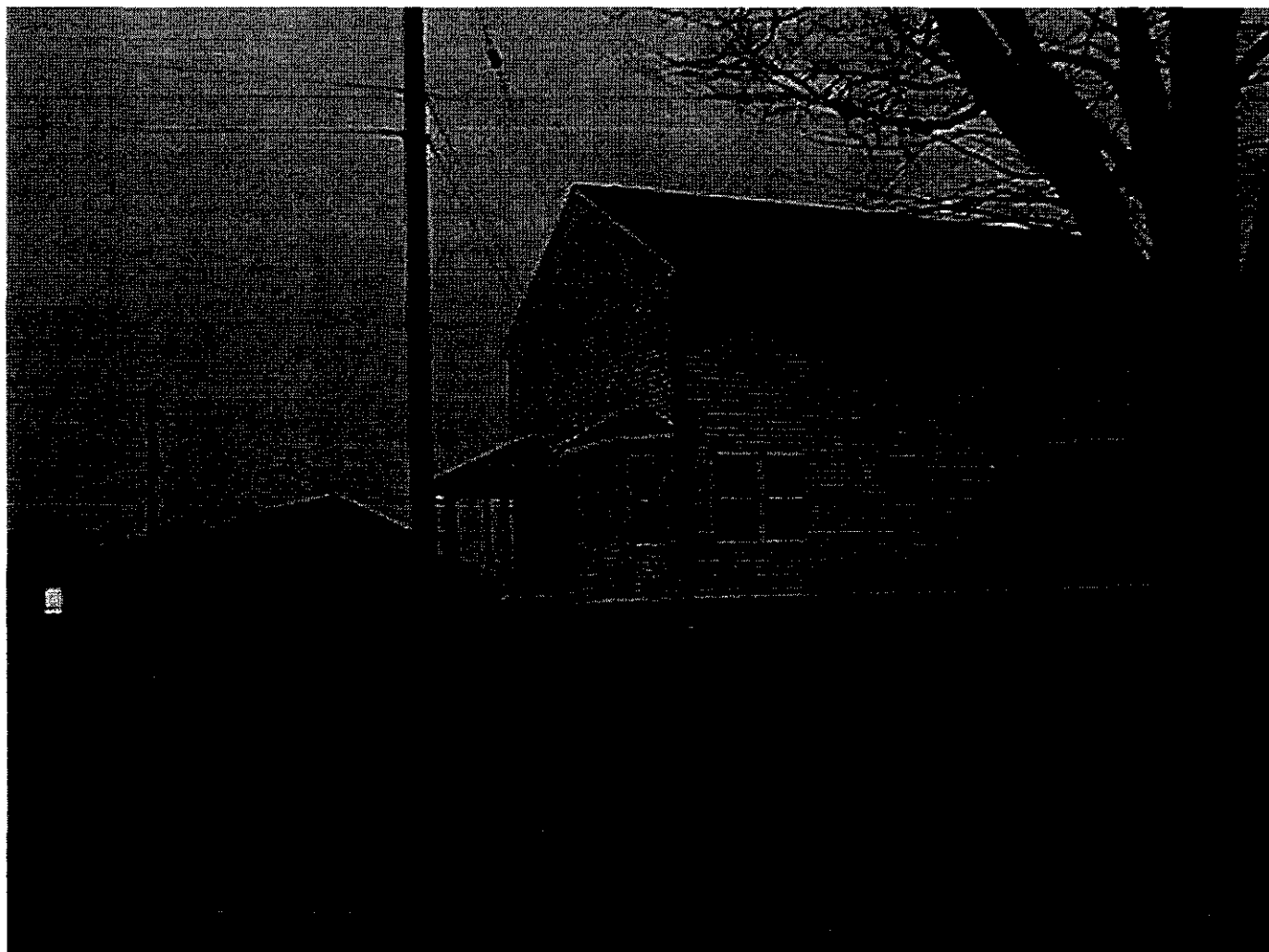


















THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

N - NE M - NW  
R - SE Q - SW

1996 COMPREHENSIVE ZONING MAP  
ADOPTED BY  
THE BALTIMORE COUNTY COM. H.  
OCTOBER 8, 1996  
BILL NO. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

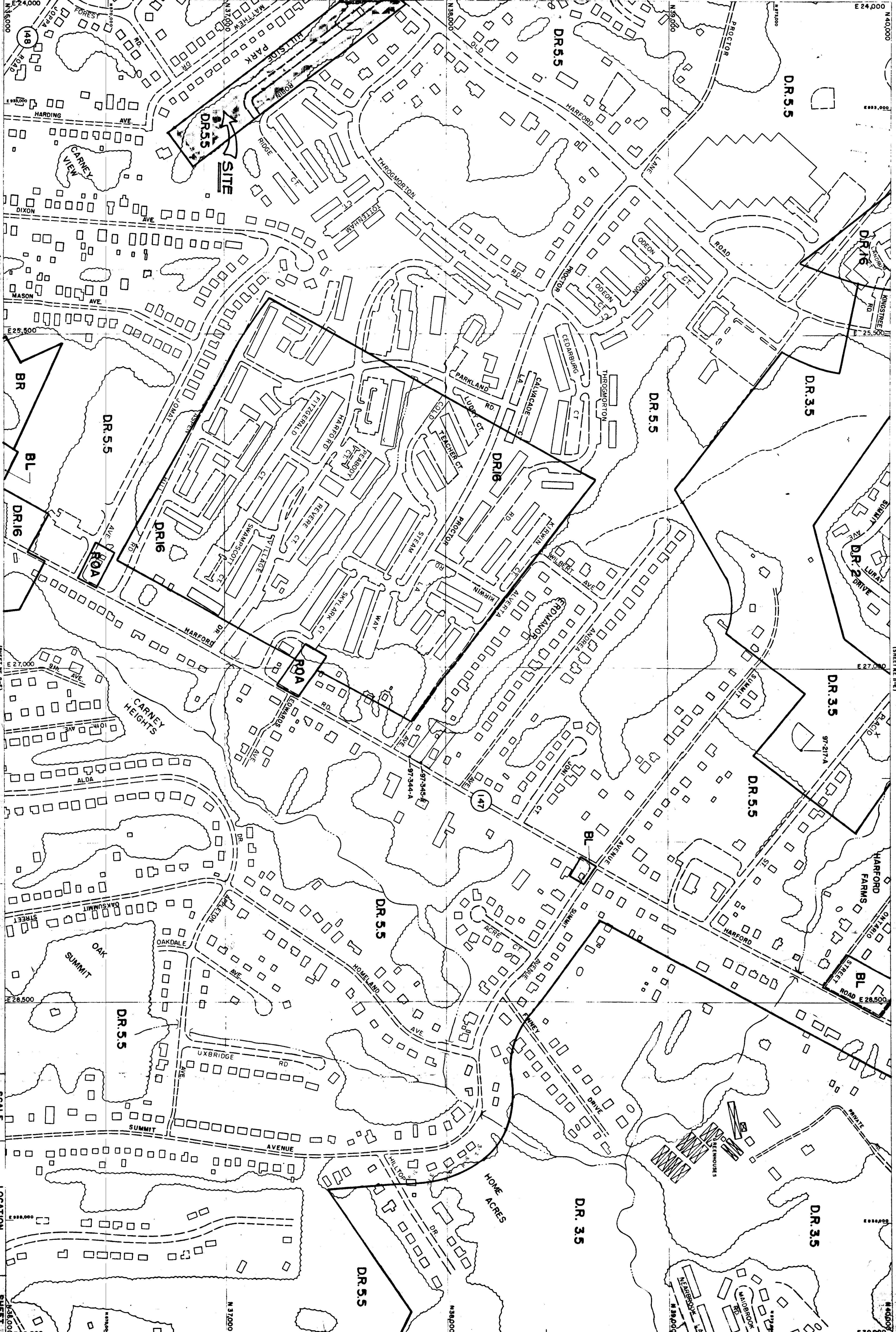
*Karin Kanawell*  
Chairman, County Council

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

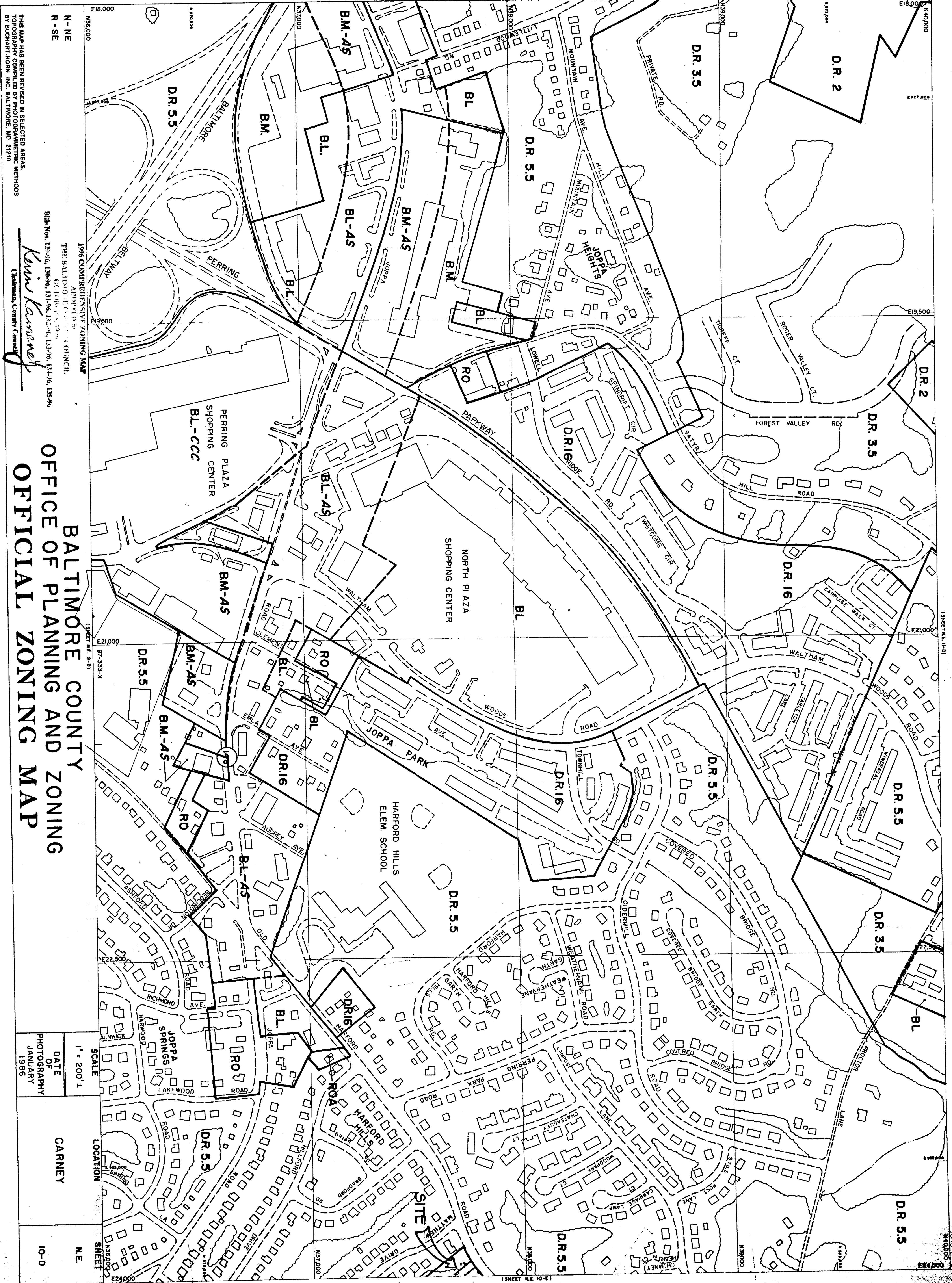
LOCATION  
CARNEY

SHEET  
NE  
10 - E



Box 27





N - NE  
R - SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1996 COMPREHENSIVE ZONING MAP  
ADOPTED BY THE BALTIMORE COUNTY COUNCIL  
ON 10/16/96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96  
Bill Nos. 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

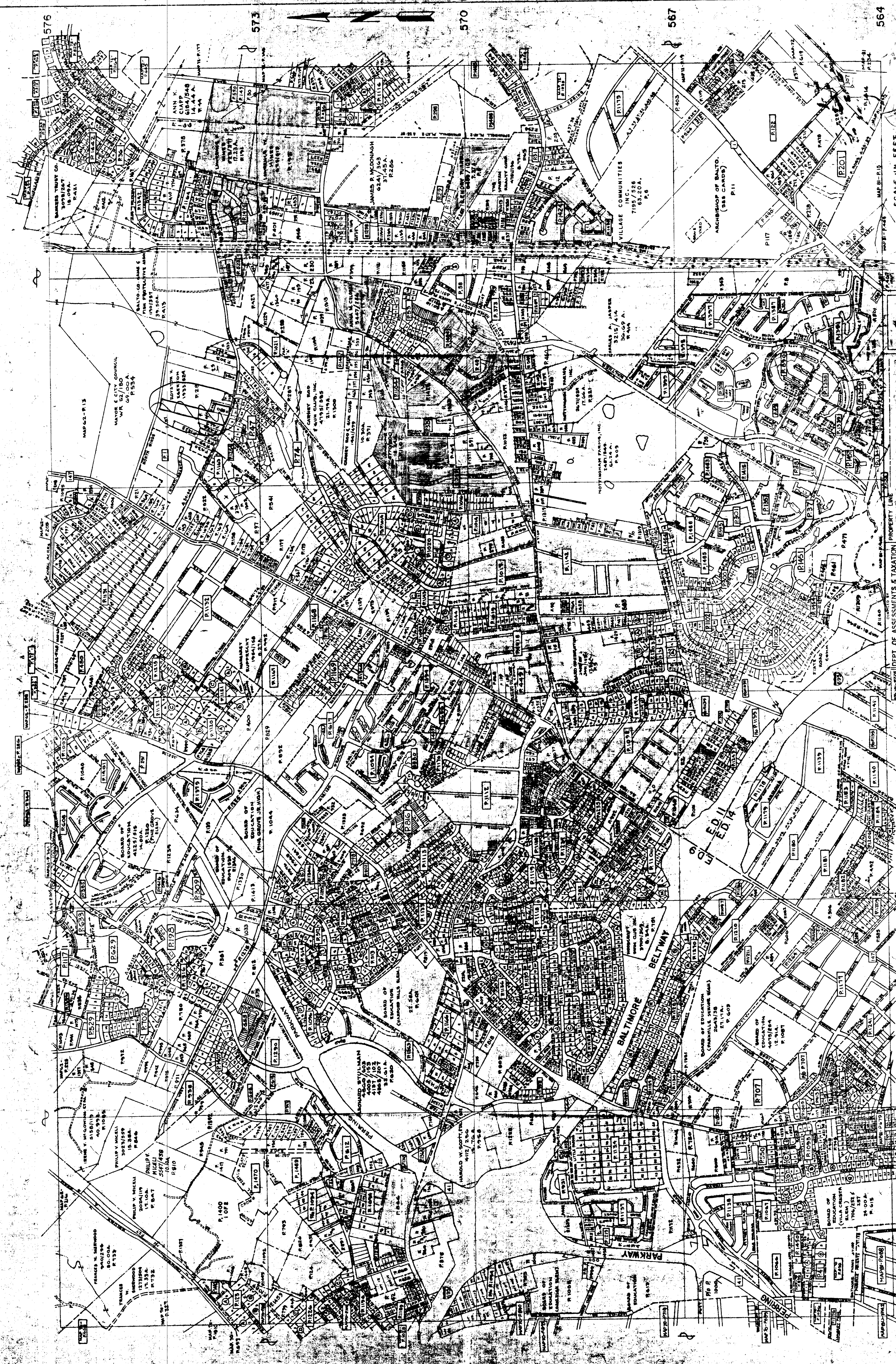
*Karin Kanawell*  
Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION N.E.	SHEET 10-D
DATE OF PHOTOGRAPHY JANUARY 1986	CARNEY	



Box 147



Copyright - Map Division - 1967  
MD. DEPT. OF ASSESS. & TAX.

926 929 932 935

BASE MAP CONSTRUCTED 4-4-73  
FROM 1957 QUAD  
PLANIMETRY REV TO  
MAP DRAWN 4-25-73

DEPT. OF ASSESSMENTS & TAXATION  
SUB-DIVISION BOUNDARY  
CONTAINING OWNERSHIP  
PARCEL NUMBER  
SCALE: 1" = 600'  
DATE: NOV 4, 66  
BY: J. J. J. J.

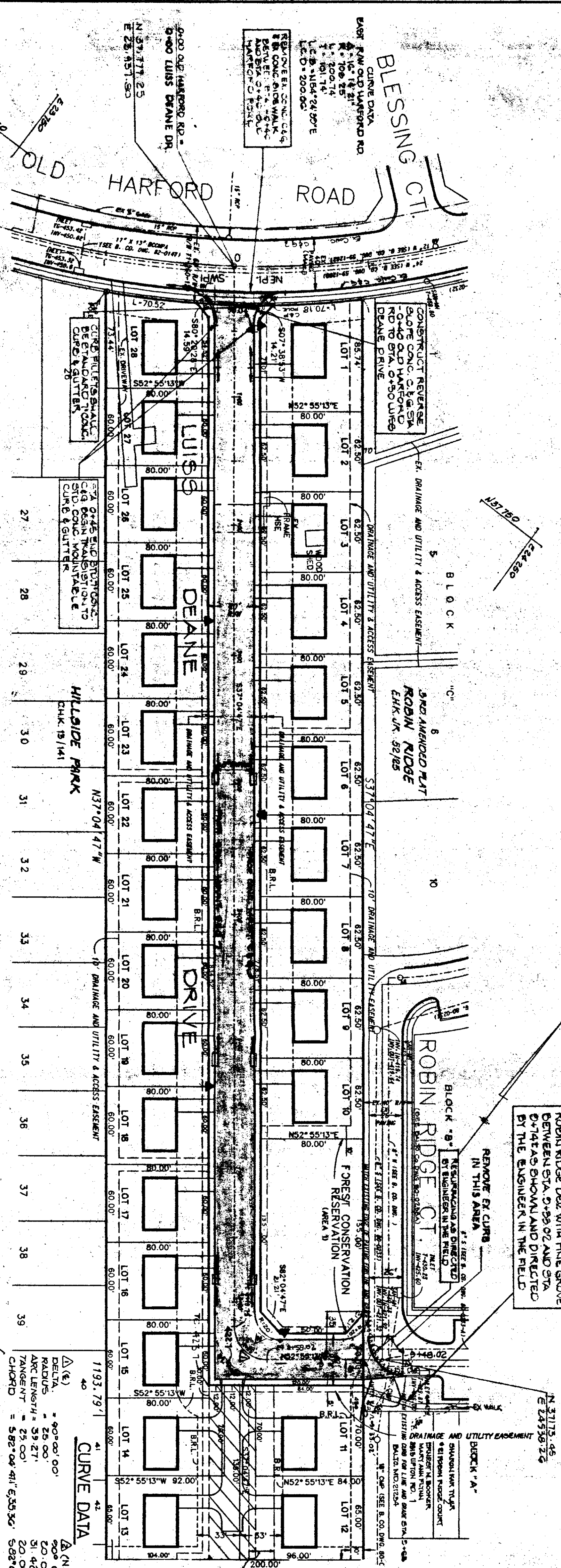
PROPERTY LINE  
MAP BI-P-13

SCALE IN FEET  
0 600 1200 1800 3600  
941600 941800 942000 942200

MAP NO. 71



PINE GROVE SUBDIVISION

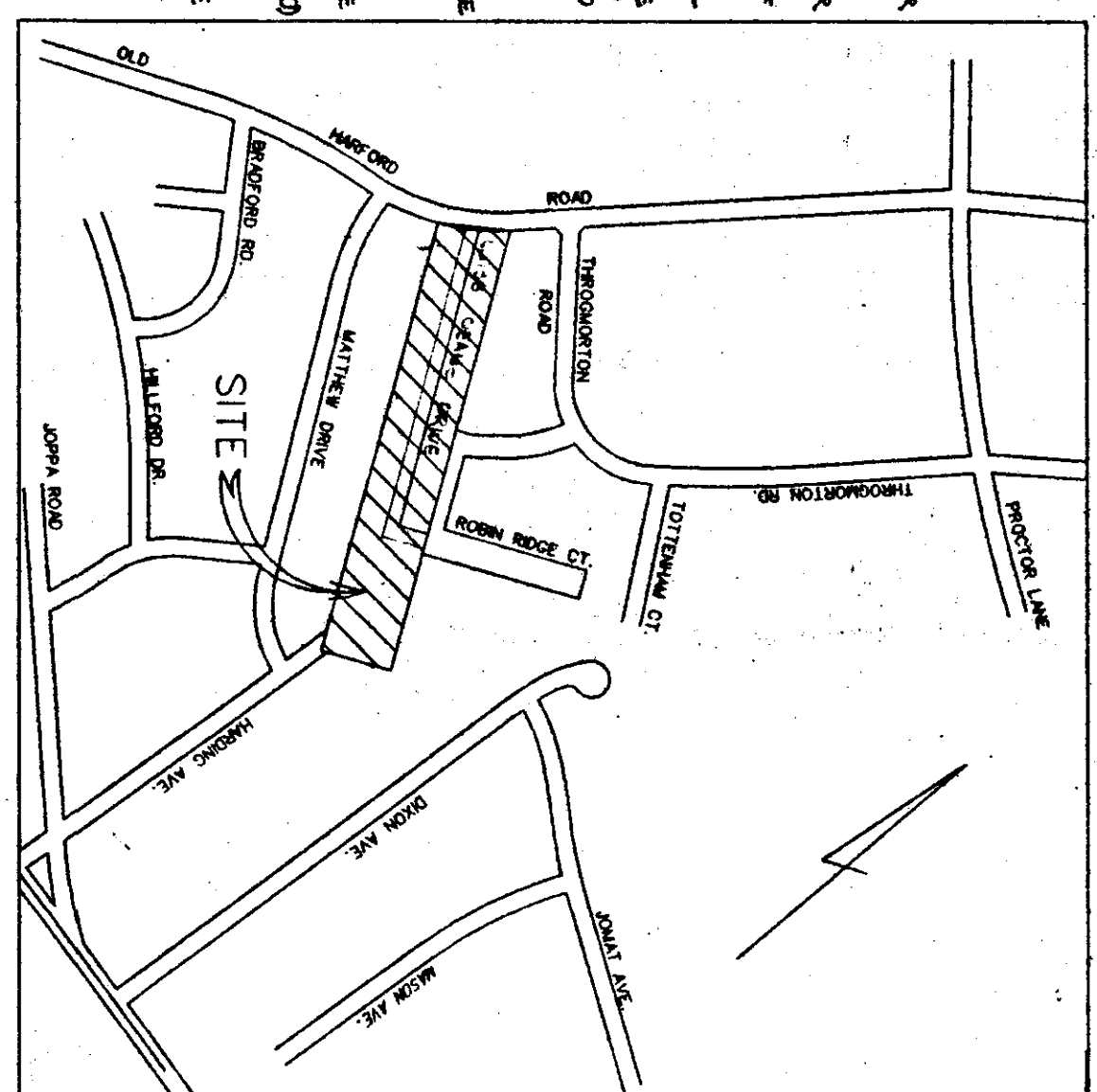


CONTRACTOR TO CONSTRUCT A 4' ROAD EDGE DRAINAGE SYSTEM ALONG THE PINE GROVE DRIVE AND ST. EASEMENTS SHOWN AND DIRECTED BY THE ENGINEER IN THE FIELD.

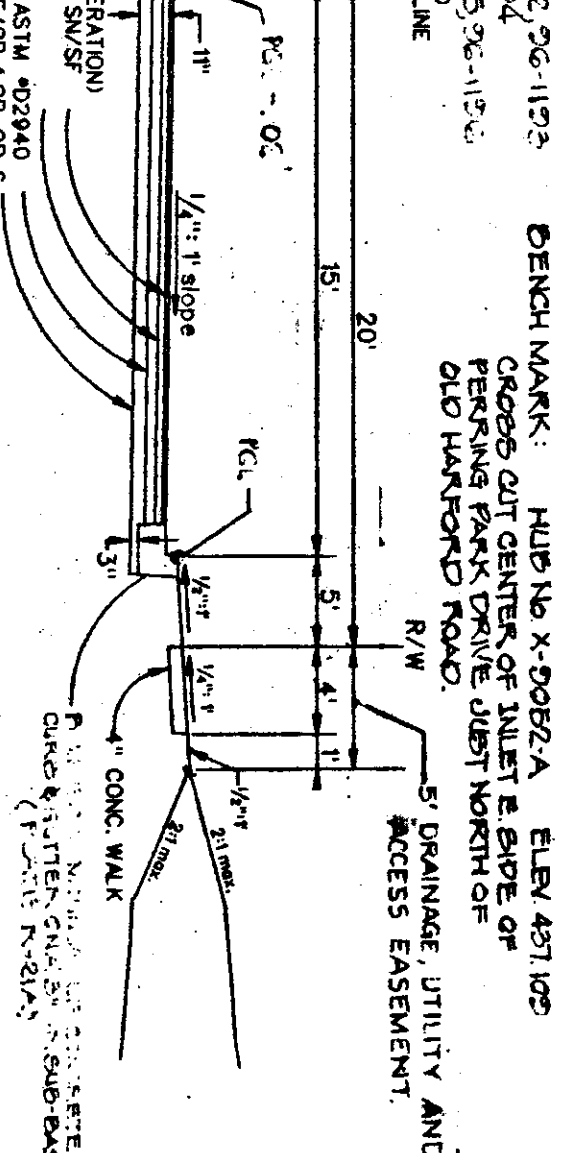
REMOVE EX. CURB IN THIS AREA

ROBIN RIDGE CT. BLOCK 'A' - 9' WIDE

**GENERAL NOTES**  
THE CONTRACTOR SHALL MAINTAIN, REPAIR AND/OR REPLACE ANY EXISTING SEWERAGE CONTROL DEVICES RECOMMENDED AND DISBURSED CONTRACT AND AS SHOWN ON THE APPROVED EASEMENT CONTROL PLAN INDICATED AS PART OF EACH LOT. ALL SUCH DISBURSED DEVICES WILL BE THE PROPERTY OF THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SEWERAGE SYSTEMS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SEWERAGE SYSTEMS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SEWERAGE SYSTEMS.



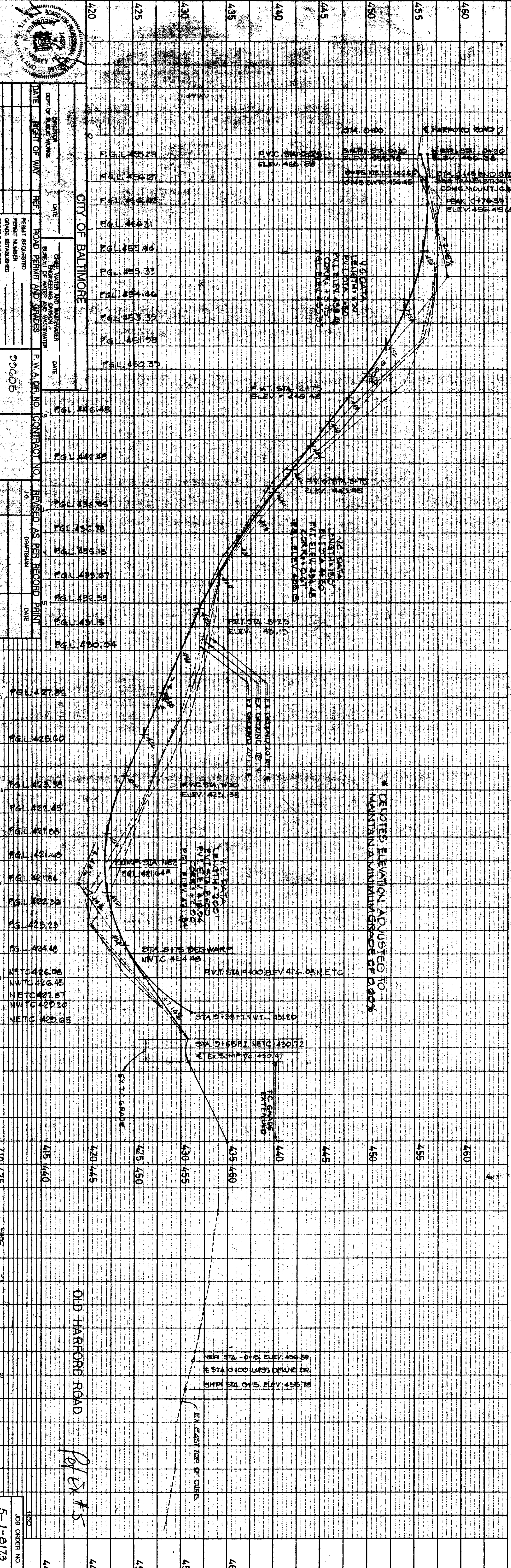
LOCATION MAP



TYPICAL HALF SECTION

NOTE: TRANSITION FROM MOUNTAINABLE CONCRETE CURB GUTTER TO CURB GUTTER THROUGH FOUR (4) LINEAR FEET

▲ DENOTES STREET LIGHT (TYP. (175WATT MERC. VAPOR LAMP))



\* DENOTES ELEVATION ADJUSTED TO MAINTAIN A MINIMUM GRADE OF 0.60%



DATE: 10/10/90  
CITY OF BALTIMORE  
BUREAU OF PUBLIC WORKS  
BUREAU OF ENGINEERING & CONSTRUCTION  
P.W. NO. 97-108-R30  
CONTRACT NO. 97-108-R30  
SHEET 1 OF 1

DESIGNED BY: R. D. Boring  
CHECKED BY: R. D. Boring  
DATE: 10/10/90  
REVIEWED BY: R. D. Boring  
DATE: 10/10/90  
APPROVED BY: R. D. Boring  
DATE: 10/10/90  
SCALE: 1" = 50'  
PROJECT: PINE GROVE  
SHEET: 1 OF 1



